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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	Case No.: 2:11-cr-452-PMP-CWH
)	
Plaintiff,)	UNITED STATES' MOTION TO MODIFY
)	ORDER TO CONTINUE SENTENCING
vs.)	(DOC. 154)
)	
THERESA MARCIANTI,)	
)	
Defendant.)	
)	

THE UNITED STATES OF AMERICA, by and through Daniel G. Bogden, United States Attorney, Brian Pugh and Sarah E. Griswold, Assistant United States Attorneys, submits this Motion To Modify Order To Continue Sentencing (Doc. 154).

On December 31, 2013, counsel for Theresa Marcianti, Bret Whipple, and government counsel Daniel Schiess filed a stipulation to continue Marcianti's sentencing date. (Doc. 153.) That stipulation contained an erroneous factual assertion that was incorporated by the court's order, and which the United States now seeks to have corrected.

On November 4, 2013, the United States produced 83,910 pages to defense counsel relating to a separate mortgage fraud case, much of which had not been previously disclosed in

1 this case. (Ex. 1 (disclosure letter).) The 83,910 pages were produced in Ipublish format,
2 which is word-searchable. The production consisted of 7 DVDs, and included directions on
3 each DVD for how to open the Ipublish executable that allows word searching. Previous
4 productions in this case have been made in the same word-searchable format.

5 The stipulation erroneously states, "This new documentation was not provided in an
6 easily searchable format which requires review of each page of documentation in order to
7 determine what information may be supportive of a Motion for New Trial." (Doc. 153 at 2:3-
8 7.) This sentence was included as a finding of fact in the court's order granting the requested
9 continuance. (Doc. 154 at 4:20-23.)

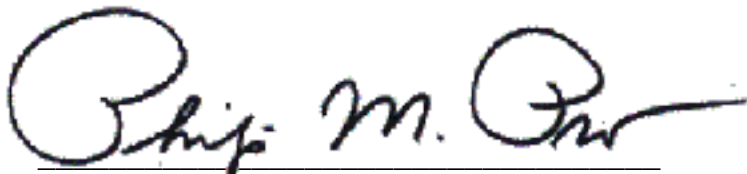
10 The United States continues to agree to the continued sentencing date. This motion
11 seeks only that the court amend its order to remove the incorrect factual finding that the
12 government's production was not word-searchable.

13 Respectfully submitted this 2nd day of January, 2014.

14 DANIEL G. BOGDEN
15 United States Attorney

16 /s/ Sarah E. Griswold
17 SARAH E. GRISWOLD
18 BRIAN PUGH
Assistant United States Attorneys

19 GRANTED.

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21 

22 PHILIP M. PRO, U.S. District Judge
23 January 3, 2014
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CERTIFICATE OF ELECTRONIC SERVICE

This is to certify that the undersigned has served the foregoing UNITED STATES' MOTION TO MODIFY ORDER TO CONTINUE SENTENCING (DOC. 154) on counsel of record by means of electronic filing.

DATED this 2nd day of January, 2014.

/s/ Sarah E. Griswold

Sarah E. Griswold